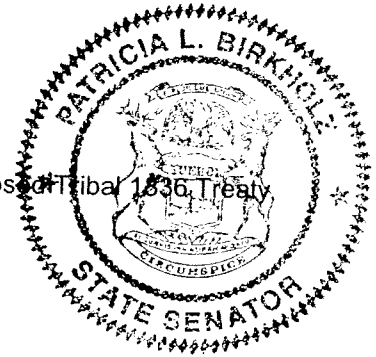


From: Richard Morscheck <morscheckr@MICHIGAN.GOV>
To: <DNRWIRE@LISTSERV.MICHIGAN.GOV>
Date: 10/9/2007 10:53 AM
Subject: DNR Plans Nine Regional Public Meetings to Review Proposed Tribal 1836 Treaty Inland Consent Decree



FOR IMMEDIATE RELEASE
October 9, 2007

CONTACT: Mary Dettloff 517-335-3014

DNR Plans Nine Regional Public Meetings to Review Proposed Tribal 1836 Treaty Inland Consent Decree

The Department of Natural Resources will host a series of nine public meetings in October and November to discuss the recent agreement of hunting, fishing and gathering rights with five Michigan Indian tribes over the Treaty of 1836. The area of Michigan impacted by this treaty is roughly the eastern half of the Upper Peninsula and the northwest one-third of the Lower Peninsula.

At the meetings, DNR staff will discuss the agreement and its impact on natural resources in the treaty area. DNR staff also will highlight what methods and harvest limits for hunting and fishing are contained in the agreement for tribal members, as well as gathering activities on public lands within the treaty area. There also will be time allowed for questions from the public on the agreement.

The agreement will be reviewed by the United States Federal Court Eastern District in Kalamazoo on Oct. 22.

The meetings scheduled include:

- * Escanaba, Tuesday, Oct. 16. The meeting will be held from 7 to 9 p.m. in Rooms 958-962 of the Joseph Heirman University Center at Bay de Noc College located at 2001 N. Lincoln Rd. in Escanaba.
- * Sault Ste. Marie, Wednesday, Oct. 17. The meeting will be held from 7 to 9 p.m. in the Sault Ste. Marie High School Theatre located at 904 Marquette Ave. in Sault Ste. Marie.
- * Traverse City, Thursday, Oct. 18. The meeting will be held from 7 to 9 p.m. at the Garfield Township Hall located at 3843 Veterans Dr. in Traverse City.
- * Scottville, Tuesday, Oct. 23. The meeting will take place from 7 to 9 p.m. at the Finn and Feather Club of Mason County located at 3276 Darr Rd. in Scottville.
- * Alpena, Wednesday, Oct. 24. The meeting will take place from 7 to 9 p.m. at the Thunder Bay Recreation Center located at 701 Woodward Ave. in Alpena.
- * Gaylord, Thursday, Oct. 25. The meeting will take place from 7 to 9 p.m. at the Northland Sportsmen's Club located at 1542 Alba Rd. in Gaylord.
- * Grand Rapids, Tuesday, Oct. 30. The meeting will take place from 7 to 9 p.m. at the West Walker Sportsmen's Club located at 0-599 Leonard St. NW in Grand Rapids.
- * Dundee, Thursday, Nov. 1. The meeting will take place from 7 to 9 p.m. at Cabela's located at 110 Cabelas Blvd. East in Dundee.
- * Saginaw, Tuesday, Nov. 5. The meeting will take place from 7 to 9 p.m. at the Elissa Rose Banquet Center located at 215 N. Park Ave. in Saginaw.

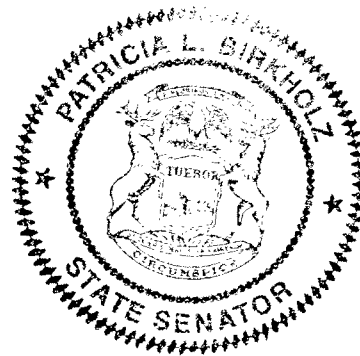
More information on the Treaty of 1836 and the proposed inland consent decree is available on the DNR's

From: Mary Dettloff <dettloffm1@MICHIGAN.GOV>
To: <DNRWIRE@LISTSERV.MICHIGAN.GOV>
Date: 9/26/2007 10:40 AM
Subject: Agreement Reached in Inland Treaty Rights Case

FOR IMMEDIATE RELEASE

Sept. 26, 2007

Contact: Mary Dettloff 517-335-3014



Agreement Reached in Inland Treaty Rights Case

The Department of Natural Resources, the United States and five Michigan Indian tribes jointly announced today that they have reached an agreement on tribal inland hunting, fishing, and gathering rights in the 1836 Treaty area of Michigan.

The agreement resolves a long-standing dispute with respect to federal and tribal claims that the tribes retained rights under the 1836 Treaty of Washington to hunt, fish, and gather in the treaty area under tribal regulations, rather than under state law.

"This agreement is especially significant in that all of the parties were able to work together to resolve this difficult and complex issue without risking the uncertainties of litigation," Department of Natural Resources Director Rebecca Humphries said. "This allowed a more acceptable resolution that protects Michigan's unique resources and addresses tribal needs. This agreement is a fair compromise and will provide stability and predictability in an area of former legal uncertainty."

The five Michigan Indian tribes involved in the agreement are the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Little Traverse Bay Bands of Odawa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, and the Little River Band of Ottawa Indians.

The area affected by the agreement is the portion of Michigan within the 1836 treaty boundary, which includes roughly the eastern half of Michigan's Upper Peninsula and a large area in the northern third of the Lower Peninsula.

The agreement recognizes a treaty-retained right for the tribes' members to engage in certain hunting, fishing, and gathering activities within the treaty area, and for the tribes to regulate those activities. Tribal members may harvest natural resources under the agreement for their own subsistence use from tribal lands and from lands open to the public.

With limited exceptions for species subject to commercial harvest under state law (such as furbearers), the agreement does not provide for commercial hunting, fishing, or gathering by tribal members. Similarly, with limited exceptions (such as larger commercial forest land holdings already open to the public), the agreement does not open private land for harvesting activities without permission of landowners.

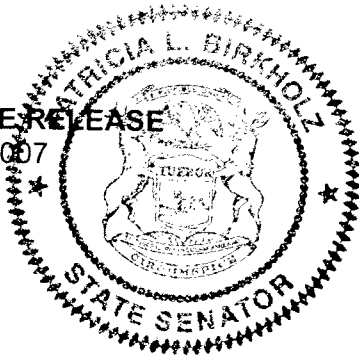
The agreement does allow for some seasons and traditional Indian methods of subsistence harvest that are not available to non-tribal members, but with adequate safeguards to protect the resources being harvested. These provisions were designed to enable the tribes to preserve important aspects of their culture and traditions and to meet the needs of their members.

"An essential part of this agreement is that Michigan's natural resources will not be compromised," said Jim Ekdahl, DNR's Upper Peninsula field deputy and lead tribal coordinator. "The tribes and the DNR will be working together to assure that the combined state and tribal harvest of fish, game, and forest materials will not exceed safe and appropriate harvest levels."

This agreement resolves the last component of a legal dispute over 1836 treaty rights that began in

FOR IMMEDIATE RELEASE

September 26, 2007



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STATE, LOCAL CONSERVATION AND PROPERTY GROUPS CALL FOR CONTINUED COOPERATION OVER PROPOSED U.S. – MICHIGAN – TRIBAL TREATY AGREEMENT

As thirty years of Tribal treaty litigation and negotiations draw to a close, Michigan sportsmen and property owners call Consent Decree a prudent approach.

Lansing, Mich. — Conservation and property rights organizations say a proposed agreement announced today between five northern Michigan native American Tribes with state and federal officials is a tough, but fair process and is the right decision for Michigan's natural resources.

The tentative agreement — now pending review by several of the participating Tribes and final approval by the court — clarifies the scope of the Tribes' hunting, fishing and gathering rights on northern land, as defined by the U.S. – Tribal Treaty of 1836. In 2005, state and federal officials, along with Tribal leadership, entered into negotiations aimed at settling litigation, which had been ongoing since 1973. The proposed agreement was announced earlier today by the Michigan Department of Natural Resources, which represented the State in the negotiations.

Thirteen sportsperson and property rights groups joined the litigation as "amicus curiae" (friends of the court participants). This status allowed the groups to provide input into the litigation, but did not grant them party status or decision-making authority. These groups were present at the depositions and later, the negotiating table, voicing concerns and working to uphold their core values related to conservation, scientific management of resources and property rights protection.

"The parties (below) participated in the process with the important goal of defending the longstanding core values of our members and all of Michigan's hunters, anglers, property owners and outdoorsmen and women," said Dennis Muchmore, Executive Director of the Michigan United Conservation Clubs.

"We have worked to ensure healthy and sustainable game and fish populations, to protect private property rights and to preserve Michigan's sportsperson's heritage," he continued. "While we successfully achieved many, but not all, of our goals, previous court rulings made it clear that settling the litigation was the most advantageous approach for us and for Michigan's sportsmen and women."

Critical to the success of the settlement are its provisions for the parties to meet regularly to resolve any resource management issues that may arise. "This is a critical piece of the process for Michigan's sportsmen and women," said Frank Krist, representative of the Hammond Bay Area Anglers Association. "The willingness of the state and Tribes to work together to ensure adequate enforcement, monitoring, and research under this agreement is going to be essential for

- Privately owned lands will not be available for tribal use unless they are available to the general public or unless a landowner grants specific permission.
- Gill nets will not be allowed on inland lakes or streams.
- Fish snagging will not be allowed on inland lakes or streams.
- Commercial harvest of game species will not be allowed beyond the extent already allowed by the state.

AMICUS PARTIES

Blue Water Sportfishing Association
Cheboygan Area Sportfishing Association
Coalition to Protect Michigan's Resources
Grand Traverse Area Sport Fishing Association
Great Lakes Council of the Federation of Fly Fishers
Hammond Bay Area Anglers Association
Michigan United Conservation Clubs
Walloon Lake Trust and Conservancy

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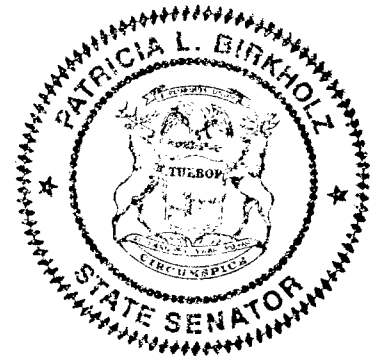
Release Date: January 17, 2007
Last Update: May 24, 2007

Great Lakes Tribal Issues

Treaty of Washington (1836)

Article 13 of the Treaty of Washington states "*The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement.*" In 1979 it was established by the United States District Court that the Ottawa and Chippewa Nations that comprised federally recognized Tribes were granted usufructuary rights to Great Lakes fishery resources. The 2000 Consent Decree ([link to document](#)), an agreement signed between five federally-recognized Tribes (Sault Tribe of Chippewa Indians, Bay Mills Indian Community, Little Traverse Bay Band of Odawa Indians, Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians) and the State of Michigan, resulted in a settlement over fishing rights in 1836 Treaty-ceded waters of the Great Lakes. The Chippewa Ottawa Resource Authority (CORA) assists five Tribal Nations that signed the Treaty of 1836 in protecting and implementing such rights in parts of Michigan.

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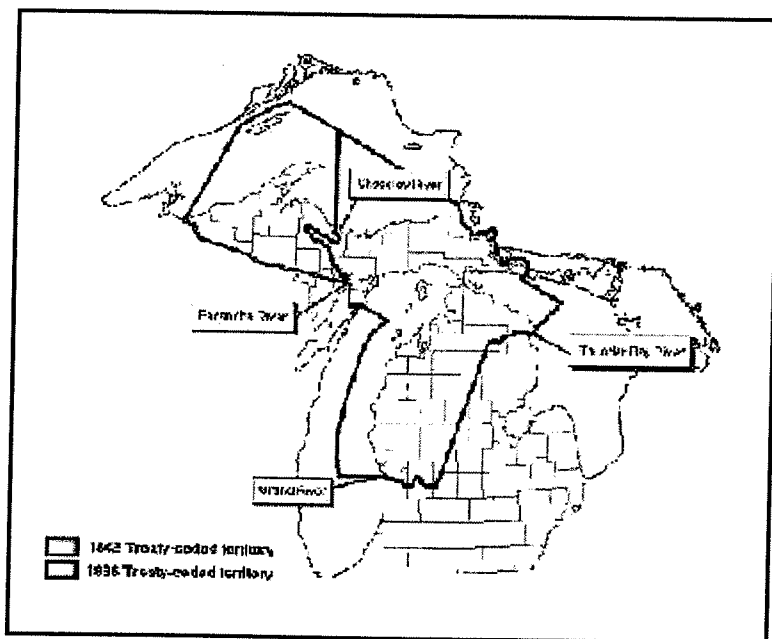


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Release Date: January 17, 2007
Last Update: January 17, 2007

Overview and History

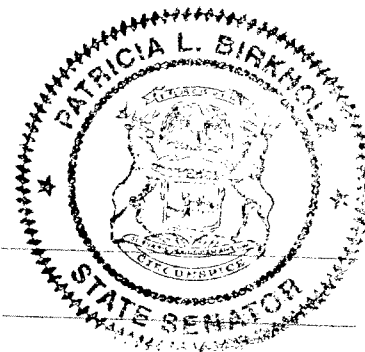
Federal treaties exist between the United States government and tribes residing in Michigan (see map below). Although the entire State of Michigan is covered by treaties, only two treaty areas are currently subject to fishing by tribal entities. The Treaty of Washington, signed in 1836, covers the eastern Upper Peninsula and the northern Lower Peninsula of Michigan. The Treaty of La Pointe, signed in 1842, covers the western Upper Peninsula, and areas of northern Wisconsin.



The mission of the Michigan Department of Natural Resources Fisheries Division Tribal Coordination Unit is to lead the coordination of activities between the State of Michigan and Tribal entities with regards to fishery resources. The Tribal Coordination Unit (TCU) was formed in 2001 and is housed at the Charlevoix Fisheries Research Station.

The TCU works with researchers from the Michigan DNR to assess commercially important fish species including lake trout, lake whitefish, and bloater chubs. Research also includes assessment of inland fisheries within the 1836 and 1842 Treaty-ceded areas of Michigan. This work includes population modeling efforts, tagging studies, and evaluations of fish growth, mortality, and recruitment.

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Treaty of Washington, 1836

At Washington, District of Columbia Treaty with the Ottawa, etc., 1836,

Articles of a treaty made and concluded at the city of Washington in the District of Columbia, between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations of Indians, by their chiefs and delegates.

ARTICLE FIRST. The Ottawa and Chippewa nations of Indians cede to the United States all the tract of country within the following boundaries: Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty of Chicago of the 29th of August 1821, thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Saginaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the same line, as established by the commissioners acting under the treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of Gitchy Seebing, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of the Skonawba river of Green bay, thence down the south bank of said river to its mouth, thence, in direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved.

ARTICLE SECOND. From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts for the term of five years from the date of the ratification of this treaty, and no longer; unless the United States shall grant them permission to remain on said lands for a longer period, namely: One tract of fifty thousand acres to be located on Little Traverse bay: one tract of twenty thousand acres to be located on the north shore of Grand Traverse bay, one tract of seventy thousand acres to be located on or, north of the Piere Marquette river, one tract of one thousand acres to be located by Chingassanoo, -or the Big Sail, on the Cheboigan. One tract of one thousand acres, to be located by Mujeekeewis, on Thunder-bay river.

ARTICLE THIRD. There shall also be reserved for the use of the Chippewas living north of the straits of Michilimackinac, the following tracts for the term of five years from the date of the ratification of this treaty, and no longer, unless the United States shall grant them permission to remain on said lands for a longer period, that is to say: Two tracts of three miles square each, on the north shores of the said straits, between Point-au-Barbe and Mille Coquin river, including the fishing grounds in front of such reservations, to be located by a council of the chiefs. The Beaver islands of Lake Michigan for the use of the Beaver-island Indians. A Round island, opposite Michilimackinac, as a place of encampment for the Indians, to be under the charge of the Indian department. The islands of the Chenos, with a part of the adjacent north coast of Lake Huron, corresponding in length, and one mile in depth. Sugar island, with its islets, in the river of St. Marys. Six hundred and forty acres, at the mision of the Little Rapids. A tract commencing at the mouth of the Pississowining river, south of Point Iroquois, thence running up said stream to its forks, thence westward, in a direct line to the Red water lakes, thence across the portage to the Tacquimenon river, and down the same to its mouth, including the small islands and fishing grounds, in front of this reservation. Six hundred and forty acres, on Grand Island, and two thousand acres, on the main land south of it. Two sections, on the northern extremity of Green bay, to be located by a council of the chiefs All the locations, left indefinite by this, and the preceding articles, shall be made by the proper chiefs, under the direction of the President. It is understood that the reservation for a place of fishing and encampment, made under the treaty of St. Mary's of the 16th of June 1820, remains unaffected by this treaty.

ARTICLE FOURTH. In consideration of the foregoing cessions, the United States engage to pay to the Ottawa and Chippewa nations, the following sums, namely.

1st. An annuity of thirty thousand dollars per annum, in specie, for twenty years; eighteen thousand dollars, to be paid to the Indians between Grand River and the Cheboigan; three thousand six hundred dollars, to the Indians on the Huron shore, between the Cheboigan and Thunder-bay river; and seven thousand four hundred dollars, to the Chippewas north of the straits, as far as the cession extends; the remaining one thousand dollars, to be invested in stock by the Treasury Department and to remain incapable of being sold, without the consent of the President and the Senate, which may, however, be given, after the expiration of twenty-one years.

- 2nd. Five thousand dollars per annum, for the purpose of education, teachers, school-houses, and books in their own language, to be continued twenty years, and as long thereafter as Congress may appropriate for the object.
- 3rd. Three thousand dollars for missions, subject to the conditions mentioned in the second clause of this article.
- 4th. Ten thousand dollars for agricultural implements, cattle, mechanics' tools, and such other objects as the President may deem proper.
- 5th. Three hundred dollars per annum for vaccine matter, medicines, and the services of physicians, to be continued while the Indians remain on their reservations.
- 6th. Provisions to the amount of two thousand dollars; six thousand five hundred pounds of tobacco; one hundred barrels of salt, and five hundred fish barrels, annually, for twenty years.
- 7th. One hundred and fifty thousand dollars, in goods and provisions, on the ratification of this treaty, to be delivered at Michilimackinac, and also the sum of two hundred thousand dollars, in consideration of changing the permanent reservations in article two and three to reservations for five years only, to be paid whenever their reservations shall be surrendered, and until that time the interest on said two hundred thousand dollars shall be annually paid to the said Indians.

ARTICLE FIFTH. The sum of three hundred thousand dollars shall be paid to said Indians to enable them, with the aid and assistance of their agent, to adjust and pay such debts as they may justly owe, and the overplus, if any, to apply to such other use as they may think proper.

ARTICLE SIXTH. The said Indians being desirous of making provision for their half-breed relatives, and the President having determined, that individual reservations shall not be granted, it is agreed, that in lieu thereof, the sum of one hundred and fifty thousand dollars shall be set apart as a fund for said half-breeds. No person shall be entitled to any part of said fund, unless he is of Indian descent and actually resident within the boundaries described in the first article of this treaty, nor shall any thing be allowed to any such person, who may have received any allowance at any previous Indian treaty. The following principles, shall regulate the distribution. A census shall be taken of all the men, women, and children, coming within this article. As the Indians hold in higher consideration, some of their half-breeds than others, and as there is much difference in their capacity to use and take care of property, and, consequently, in their power to aid their Indian connexions, which furnishes a strong ground for this claim, it is, therefore, agreed, that at the council to be held upon this subject, the commissioner shall call upon the Indian chiefs to designate, if they require it, three classes of these claimants, the first of which, shall receive one-half more than the second, and the second, double the third. Each man woman and child shall be enumerated, and an equal share, in the respective classes, shall be allowed to each. If the father is living with the family, he shall receive the shares of himself, his wife and children. If the father is dead, or separated from the family, and the mother is living with the family, she shall have her own share, and that of the children. If the father and mother are neither living with the family, or if the children are orphans, their share shall be retained till they are twenty-one years of age; provided, that such portions of it as may be necessary may, under the direction of the President, be from time to time applied for their support. All other persons at the age of twenty-one years, shall receive their portions agreeably to the proper class. Out of the said fund of one hundred and fifty thousand dollars, the sum of five thousand dollars shall be reserved to be applied, under the direction of the President, to the support of such of the poor half breeds, as may require assistance, to be expended in annual instalments for the term of ten years, commencing with the second year. Such of the half-breeds, as may be judged incapable of making a proper use of the money, allowed them by the commissioner, shall receive the same in instalments, as the President may direct.

ARTICLE SEVENTH. In consideration of the cessions above made, and as a further earnest of the disposition felt to do full justice to the Indians, and to further their well being, the United States engage to keep two additional blacksmith-shops, one of which, shall be located on the reservation north of Grand river, and the other at Sault Ste. Marie. A permanent interpreter will be provided at each of these locations. It is stipulated to renew the present dilapidated shop at Michilimackinac, and to maintain a gunsmith, in addition to the present smith's establishment, and to build a dormitory for the Indians visiting the post, and appoint a person to keep it, and supply it with fire-wood. It is also agreed, to support two farmers and assistants, and two mechanics, as the President may designate, to teach and aid the Indians, in agriculture, and in the mechanic arts. The farmers and mechanics, and the dormitory, will be continued for ten years, and as long thereafter, as the President may deem this arrangement useful and necessary; but the benefits of the other stipulations of this article, shall be continued beyond the expiration of the annuities, and it is understood that the whole of this article shall stand in force, and insure to the benefit of the Indians, as long after the expiration of the twenty years as Congress may appropriate for the objects.

ARTICLE EIGHTH. It is agreed, that as soon as the said Indians desire it, a deputation shall be sent to the southwest of the Missouri River, there to select a suitable place for the final settlement of said Indians, which country, so selected and of reasonable extent, the United States will forever guaranty and secure to said Indians. Such improvements as add value to the land, hereby ceded, shall be appraised, and the amount paid to the proper Indian. But such payment shall, in no case, be assigned to, or paid to, a white man. If the church on the Cheboigan, shall fall within this cession, the value shall be paid to the band owning it. The net proceeds of the sale of the one hundred and sixty acres of land, upon the Grand River upon

which the missionary society have erected their buildings, shall be paid to the said society, in lieu of the value of their said improvements. When the Indians wish it, the United States will remove them, at their expence, provide them a year's subsistence in the country to which they go, and furnish the same articles and equipments to each person as are stipulated to be given to the Pottowatomies in the final treaty of cession concluded at Chicago.

ARTICLE NINTH. Whereas the Ottawas and Chippewas, feeling a strong consideration for aid rendered by certain of their half-breeds on Grand river, and other parts of the country ceded, and wishing to testify their gratitude on the present occasion, have assigned such individuals certain locations of land, and united in a strong appeal for the allowance of the same in this treaty; and whereas no such reservations can be permitted in carrying out the special directions of the President on this subject, it is agreed, that, in addition to the general fund set apart for half-breed claims, in the sixth article, the sum of forty-eight thousand one hundred and forty-eight dollars shall be paid for the extinguishment of this class of claims, to be divided in the following manner: To Rix Robinson, in lieu of a section of land, granted to his Indian family, on the Grand river rapids, (estimated by good judges to be worth half a million) at the rate of thirty-six dollars an acre: To Leonard Slater, in trust for Chiminonoquat, for a section of land above said rapids, at the rate of ten dollars an acre: To John A. Drew, for a tract of one section and three quarters, to his Indian family, at Ceboigan rapids, at the rate of four dollars; to Edward Biddle, for one section to his Indian family at the fishing grounds, at the rate of three dollars: To John Holiday, for five sections of land to five persons of his Indian family, at the rate of one dollar and twenty-five cents; to Eliza Cook, Sophia Biddle, and Mary Holiday, one section of land each, at two dollars and fifty cents: To Augustin Hamelin junr, being of Indian descent, two sections, at one dollar and twenty-five cents; to William Lasley, Joseph Daily, Joseph Trotier, Henry A. Levake, for two sections each, for their Indian families, at one dollar and twenty-five cents: To Luther Rice, Joseph Lafrombois, Charles Butterfield, being of Indian descent, and to George Moran, Louis Moran, G. D. Williams, for half-breed children under their care, and to Daniel Marsac, for his Indian child, one section each, at one dollar and twenty-five cents.

ARTICLE TENTH. The sum of thirty thousand dollars shall be paid to the chiefs, on the ratification of this treaty, to be divided agreeably to a schedule hereunto annexed. [Schedule deleted]

ARTICLE ELEVENTH. The Ottawas having consideration for one of their aged chiefs, who is reduced to poverty, and it being known that he was a firm friend of the American Government, in that quarter, during the late war, and suffered much in consequence of his sentiments, it is agreed, that an annuity of one hundred dollars per annum shall be paid to Ningweegon or the Wing, during his natural life, in money or goods, as he may choose. Another of the chiefs of said nation, who attended the treaty of Greenville in [1795], and is now, at a very advanced age, reduced to extreme want, together with his wife, and the Government being apprized that he has pleaded a promise of Gen. Wayne, in his behalf, it is agreed that Chusco of Michilimackinac shall receive an annuity of fifty dollars per annum during his natural life.

ARTICLE TWELFTH. All expenses attendig the journey of the Indians from, and to their homes, and their visit at the seat of Government, together with the expenses of the treaty, including a proper quantity of clothing to be given them, will be paid by the United States.

ARTICLE THIRTEENTH. The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement.

In testimony whereof, the said Henry R. Schoolcraft, commissioner on the part of the United States, and the chiefs and delegates of the Ottawa and Chippewa nation of Indians, have hereunto set their hands, at Washington the seat of Goverment this twenty-eighth day of March, in the year one thousand eight hundred and thirty-six.


SUPPLEMENTAL ARTICLE. To guard against misconstruction in some of the foregoing provisions, and to secure, by further limitations, the just rights of the Indians, it is hereby agreed: that no claims under the fifth article shall be allowed for any debts contracted previous to the late war with Great Britain, or for goods supplied by foreigners to said Indians, or by citizens, who did not withdraw from the country, during its temporary occupancy by foreign troops, for any trade carried on by such persons during the said period. And it is also agreed: that no person receiving any commutation for a reservation, or any portion of the fund provided by the sixth article of this treaty, shall be entitled to the benefit of any part of the annuities herein stipulated. Nor shall any of the half-breeds, or blood relatives of the said tribes, commuted with, under the provisions of the ninth article, have any further claim on the general commutation fund, set apart to satisfy reservation claims, in the said sixth article. It is also understood, that the personal annuities, stipulated in the eleventh article, shall be paid in specie in the same manner that other annuities are paid. Any excess of the funds set apart in the fifth and sixth articles, shall, in lieu of being paid to the Indians, be retained and vested by the Government in stock under the conditions mentioned in the fourth article of this treaty.

In testimony whereof, the parties above recited, have hereunto set their hands, at Washington the seat of Government this thirty-first day of March, in the year one thousand eight hundred and thirty-six.

• [Back](#)

Upper Great Lakes Tribal Fishery Chronology

— From Chippewa Ottawa Resource Authority (CORA)

- 
- pre-400: Native Americans fish with seine nets
- 400-800: Gill net invented. Inland Shores Fishery evolves.
- 1600-1700s: European contact: French fur trappers and Jesuits.
Fishery trade with Europeans begins. Territory wars among Europeans.
- 1776: U.S. Independence from Great Britain.
- 1778: First U.S. Indian treaty.
- 1807: First Michigan area treaty among Chippewa, Ottawa and Potawatami.
- 1820: Treaty of Sault Ste. Marie ceded land at the little rapids of St. Marys River to build Fort Brady; perpetual right to fish was reserved.
- 1830: Indian Removal Act legislated.
- March 1836: Ottawa-Chippewa Treaty: fishing, hunting and land bases retained.
- July 1836: Ottawa-Chippewa Treaty re-signed: land base lost; fishing and hunting retained.
- July 1855: Ottawa-Chippewa obtain land for allotments and permanent homes.
- Aug. 1855: Treaty with Sault Ste. Marie Bands: U.S. government to own rights to Sault Rapids & Soo Locks area.
- 1860: Bay Mills Reservation established by Congress.
- 1924: U.S. citizenship given to Indians.
- 1930: People v. Chosa: State Supreme Court declares Indians have no special fishing and hunting rights under the 1842 and 1854 treaties; state regulations apply.
- 1930-55: Invasion of Sea Lamprey; trout population decimated.
Exotic species alewives and smelt gain a foothold in the lakes, competing for food.
- 1955: Great Lakes Fishery Commission established, an international agency for Great Lakes issues.
- 1966: Limited entry regulation by Michigan DNR.
Michigan DNR introduces of Pacific coho salmon and chinook salmon.
Order puts 250 commercial fishermen out of business. Zone management favors recreation fishing.
Gill net banned.

Understanding Michigan's Tribal Negotiations Frequently Asked Questions 9-26-07



Why are the State, the United States, five Indian Tribes and several organizations negotiating the exercise of Tribal Hunting, Fishing and Gathering Rights resulting from the Treaty of the 1836 Treaty of Washington?

Litigation between five Michigan Tribes, the United States, and the State over the scope of treaty rights under the 1836 treaty has been ongoing for over 30 years. Until late 2003, however, tribal claims litigated in court only involved tribal fishing on the Great Lakes. In September 2003, the State filed a claim in Federal Court asserting that the Tribes no longer retained a right of hunting or any other "privileges of occupancy" on the lands ceded to the U.S. in 1836. The courts have established that other privileges of occupancy also include fishing and gathering.

After depositions from the expert witnesses were completed in early 2005, the State and Tribes decided it would be better for all concerned to negotiate a settlement instead of having the Judge make the decision. Usually a negotiated agreement is more acceptable to the parties than one that is imposed by a Judge. The Judge postponed the trial and negotiations began in the fall of 2005.

What was the focus of the negotiations?

When the treaty was signed in 1836 the Indians transferred to the United States government the land and waters within the treaty boundaries. The Indians retained their right to hunt, fish, and gather until the land was "required for settlement". These are not so called "special rights," but are rights that the Tribes never relinquished when the land was transferred to the United States.

In 1979, Judge Noel Fox ruled that it was not possible to settle the Great Lakes and that the Tribes retained their right to fish in those waters under their own regulations.

The current negotiations focused on which lands and waters in the treaty area should be open for Tribal hunting, fishing, and gathering and to what extent these activities may be exercised.

Why is such an old treaty still valid today?

Tribes retained something similar to an easement on the treaty land to enter the property for the purpose of hunting, fishing, and gathering. The Federal Courts including the Supreme Court have consistently ruled that the passage of time cannot erode the rights that the Tribes retained when the treaties were signed. In this specific treaty, the Tribes retained their rights until the land was required for settlement. As mentioned above, the negotiations focused on determining which lands would still be open to the Tribes for exercising their rights.

How can a treaty be changed?

Treaties are the supreme law of the land and all state governments and judges are bound by them. Only the President or Congress can change or abrogate a treaty. Several attempts to introduce bills in Congress to alter or abrogate certain treaties have failed because of little national support.

Can all Michigan Indians use the lands covered by the Treaty of 1836 as outlined in the Treaty?

Idaho, have been allocated approximately 50 percent to Tribal users and 50 percent to non-Tribal users. (The 1836 treaty language does differ from many of the other treaties at issue in those cases, however.) In all cases, there were negotiations between the states and Tribes with direction from the courts to establish management procedures to protect the natural resources and share the harvest. In several of the states, even though the Tribes have a right to harvest up to 50 percent of the safe harvest, the actual take is much less.

What type of enforcement capabilities do the tribes have compared to those of the Michigan Department of Natural Resources?

The Tribes have professionally trained enforcement officers who currently enforce Tribal hunting and fishing regulations on treaty lands. MDNR conservation officers enforce natural resource regulations on all lands within the state. Michigan conservation officers can enforce violations of the Agreement committed by either Tribal or non-Tribal fishers. Tribal violations, however, proceed through the Tribal legal system.

How does the Tribal court system compare to Michigan's courts?

Tribal courts are well established, and violations of the 2000 Great Lakes Consent Decree that have been prosecuted in the Tribal system have resulted in comparable outcomes to violations that were processed through the Michigan Courts.

Will the Tribes be able to hunt, fish, trap, and gather on private lands?

The Tribes are permitted to hunt and fish only on private lands that are open to the public and are open for a particular activity (e.g. hunting, trapping, gathering, or fishing). These activities are allowed on other private lands owned by non-tribal individuals only if State seasons and methods are followed and, if the land is posted, written permission is obtained from the owner as specified in the Michigan Recreational Trespass Act.

Will Tribal hunting and fishing be permitted within State, county and municipal parks, State wildlife refuges, State wildlife research areas and State fisheries research areas?

The Tribes shall only permit hunting and fishing in such locations when the areas are open to the public for hunting and fishing and with Tribal regulations that are no less restrictive than State regulations.

Will the newly negotiated Agreement expire?

There is no planned expiration date for the agreement; however, there are several mechanisms available that allow the document to be updated when the need develops. It is anticipated that over time, changes to the resources, increases in information, and other situations will require updating of the plan.

Will commercial harvests be permitted?

Except for furs, fruits, and some defined plant materials, commercial harvesting will not be permitted. Informal trade or barter within the Tribal communities is acceptable as long as fish and wildlife are not resold.

Will gill nets be permitted to harvest fish species?

Except for limited research projects using approved methods, gill nets will not be permitted.

Will snagging of fish be permitted?